

Declaration of  
Pursuant to 28 U.S.C. § 1746

1. My name is \_\_\_\_\_ I am a United  
States citizen and I am over \_\_\_\_\_ I  
reside in \_\_\_\_\_ I have personal knowledge  
of the facts set forth below.

2. In or about May 1995, I received an unsolicited telephone call from a man who identified himself as Anthony Malone and who said that he worked for North East Telecommunications, Ltd. ("NET"). Mr. Malone told me that NET provides application services for consumers who wish to apply for Federal Communications Commission ("FCC") paging licenses.

3. Mr. Malone stated that all pagers operate on the same wavelength. However, he said that the FCC is opening up a new wavelength. Mr. Malone offered to sell me application services for an FCC paging license in this new wavelength in the San Francisco, California region. He said that the FCC auctioned off the licenses and that the upcoming auction would be the last auction for paging licenses. Mr. Malone wanted me to invest \$9,475 for a paging license that NET planned to secure from the FCC paging license auction. Since it was the last auction for FCC paging licenses, it was urgent that I invest soon if I wanted to take part in the growing paging industry. If I did invest, Mr. Malone guaranteed that I would receive the San Francisco license.

4. Mr. Malone told me that NET charges a minimum of \$9,475 to apply for the 929 MHz paging license and that this paging license would be capable of holding 9,000 paging customers with nine tower sites. Mr. Malone told me that once I received my license, I would have three options. First, I could sell the license at a considerable profit. Second, I could start my own paging company. Third, I could lease my license to an existing paging service company. Mr. Malone told me that there are many paging companies in any given city and that the paging companies possessed all of the licenses that they were permitted by law to have. The only way those companies could provide more paging services to the growing number of subscribers, according to Mr. Malone, is to lease licenses from owners like myself. Therefore, Mr. Malone said, the third option is the most lucrative for my investment.

5. Mr. Malone said that if I chose to use NET's services to apply for the San Francisco license, that license would have a potential base of 9,000 subscribers who would pay me \$0.50 per month, totaling about \$4,500 per month with my \$9,475 investment. Mr. Malone mentioned that it would take about one year for me to expect such an income stream but that I could expect a five-year contract from an established paging company. He also told me that NET did not receive profits or commissions from acquiring the licenses for consumers but rather that NET earns its profits by arranging the lease agreements between NET's clients and established paging companies. Mr. Malone also

guaranteed my money back if NET could not arrange a lease agreement. Having explained this all to me over the telephone, Mr. Malone then told me that he would send me written materials about the investment and NET. Attachment A to this declaration is a true and correct copy of the written materials I received.

6. Before ending the conversation, Mr. Malone gave me two references that I could contact to assist me in my decision to invest, the National Business Opportunities Bureau ("NBOB") and Joe Simon, whom he identified as a satisfied client of NET. He gave me the telephone number of both references and encouraged me to call them. I called NBOB sometime in June or July 1995 but was told by the person on the telephone from NBOB that they did not give information over the telephone but would respond to a faxed request. I faxed my inquiry but received no response from NBOB.

7. In or about early July 1995, I telephoned Mr. Simon at 305-722-0580, the number provided to me by Mr. Malone. During that conversation, he told me that he was very happy with his investment with NET and that several companies had contacted him to lease his paging license after he decided to invest four months earlier. He also told me that he was making lots of money from the leasing of his paging license.

8. In July 1995, after speaking with Messrs. Malone and Simon, I decided to invest \$9,475 for a 929 MHz paging

license. However, shortly before I sent my money to NET, Mr. Malone told me that he had a problem with my paging license application and that he had to resubmit the application. But, Mr. Malone also said that he was notified by the FCC that he had secured two 929 MHz paging licenses in the same area but with twelve tower sites as opposed to only nine, at a total cost of \$12,430. Mr. Malone recommended that I invest in these two licenses because with three more towers, I could expect more subscribers and thus more income. Based on Mr. Malone's recommendation, I decided to invest an additional \$2,960 for the two new licenses.

9. As part of NET's application process I had to fill out a worksheet which broke down the cost as follows: the application completion fee was \$11,820, the FCC filing fee was \$250, and the frequency coordination fee was \$360. Attachment B to this declaration is a true and correct copy of my completed worksheet. Attachment C to this declaration is a true and correct copy of the check reflecting my payment. Mr. Malone told me I would receive these licenses within three weeks. In July 1995, after I sent in my payment, I received a letter from NET stating that NET had received my payment of \$12,430. Attachment D to this declaration is a true and correct copy of the letter I received from NET.

10. By October 1995, I had not yet received my licenses so I wrote a letter to NET, via certified mail, return

receipt requested, demanding my money back. Attachment E to this declaration is a true and correct copy of this letter. Three days later I faxed to NET another demand for the return of my money. Attachment F to this declaration is a true and correct copy of this FAX. Again, on October 27, 1995, I wrote to NET, via certified mail, return receipt requested, demanding my money back. Attachment G to this declaration is a true and correct copy of this letter. Attachment H to this declaration contains true and correct photocopies of these two completed return receipts from my certified letters.

11. I received my licenses in late-November or early-December 1995. Attachment I to this declaration contains true and correct photocopies of my licenses. I have not received any offers to lease or purchase my licenses.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January \_\_\_\_\_, 1996.

\_\_\_\_\_

Pursuant to 28 U.S.C. § 1746

I am a United States citizen. I reside in . I have personal knowledge of the facts set forth below.

Federal Communications Commission ("FCC") paging licenses. I wrote down the toll free 800 telephone number provided in the infomercial and called it the following day. The telephone was answered by a firm identified as North East Telecommunications. ("NET"). The person who answered the telephone told me that if I left my name and home telephone number I would get a call back from another representative of NET.

himself as Gary Evans and who said he worked for NET. Mr. Evans told me that if I invested \$10,000 through NET in a 929 MHz shared frequency paging license from the FCC, there would be a profit potential of approximately \$5,000 per month from paging service companies that would lease my license from me. Based on Mr. Evans' profit projection, I concluded that investing in a 929 MHz shared frequency paging license would be a very profitable investment. Mr. Evans also told me that NET was located in the World Trade Center in New York City, New York. Mr. Evans said he would send me written materials about the investment. Shortly thereafter, I received materials from NET. Attachment A to this declaration is a true and correct photocopy of the materials I received.

4. Mr. Evans said that if I invested \$10,000 for the paging license, there was "no risk at all" because NET had the technical ability and expertise to find large paging service companies to lease my license from me. He also told me that NET would provide, as part of its paging license application services, engineering and population studies. Mr. Evans said that NET was trying to identify people to invest in the same paging frequency in a particular area to create a monopoly of NET license holders in that geographic area, thereby guaranteeing a profit for the license holders in that particular area by forcing large paging service companies to lease or purchase these paging licenses in order to provide additional paging services.

5. Mr. Evans urged me to invest in a license in the Atlanta, Georgia area because he said that the market for a paging license in Atlanta would be thriving because of the 1996 Olympics. Mr. Evans guaranteed that I would receive a license in Atlanta if I applied for the license through NET.

6. After reviewing the written materials sent to me and speaking with Mr. Evans, I decided sometime in May 1995 to invest \$10,000 to acquire the Atlanta paging license. Mr. Evans told me to send my payment to him via overnight courier, using NET's Federal Express account, and to call him from the Federal Express office to make sure that the payment was being sent. After I returned from the Federal Express office, I received a telephone call from Mr. Evans who wanted to verify that the money was sent. I assured him that I had sent it. Several days after I sent NET my payment, I received a letter from NET stating that NET had

received my payment of \$10,000. Attachment B to this declaration is a true and correct photocopy of the letter I received from NET.

7. Approximately one week after I sent NET my payment, Mr. Evans called me again and asked me to invest in additional 929 MHz shared frequency paging licenses in the San Diego, California and Tampa, Florida regions. Mr. Evans told me that these licenses would also be very profitable investments because both cities were growing and would provide a good market for paging licenses. I told Mr. Evans that I could no longer afford any additional licenses and the \$10,000 I had invested for the Atlanta paging license was all that I could afford.

8. I received my FCC 929 MHz shared frequency paging license for the Atlanta, Georgia region in the mail in the beginning of September 1995. Attachment C to this declaration is a true and correct photocopy of the license I received.

9. After receiving my license from the FCC, I noticed the FCC requirement that I build out the license within eight (8) months or else risk losing the license. I telephoned several times to Mr. Evans to discuss this requirement. Mr. Evans did not return the messages I left for him to return my telephone calls. At one point when I could not reach Mr. Evans, I asked to speak with the sales manager but the representative on the telephone told me that the sales manager was not available.



10. As of this date. I have not received any offers to lease or purchase my  
paging license.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January \_\_, 1996.

Declaration of  
Pursuant to 28 U.S.C. § 1746

1. My name is . I am a United States citizen and I am over eighteen (18) years of age. I reside in . I have personal knowledge of the facts set forth below.

2. In or about April 1995, I saw an infomercial on television promoting investments in Federal Communications Commission ("FCC") paging licenses. The infomercial listed a toll-free 800 telephone number which I called sometime after I viewed the infomercial. The person who answered the telephone identified the firm as North East Telecommunications ("NET") and told me that if I left my name and home telephone number, I would receive a telephone call from another NET representative who would talk to me about the paging license investment opportunity.

3. Several days after my initial telephone call, I received a telephone call from a representative from NET who identified himself as Eric Baun. Mr. Baun explained to me that if I invested in a 929 MHz paging license through NET, NET would file for my paging license and provide engineering studies necessary to obtain the license. Mr. Baun recommended that I

invest in two (2) paging licenses in the Miami, Florida area at a total cost of \$11,878.00. Mr. Baun said that the paging license investment would provide me with the paging licenses and twelve constructed tower sites from which the paging system would operate. He told me that after I obtained the licenses, I could either resell them for a considerable profit or I could lease the licenses to established paging companies. Mr. Baun recommended that I lease my licenses rather than sell them because NET would assist me in finding individuals or companies to lease my licenses and I could expect a potential monthly residual income of about \$5,000.00 from the lease. Mr. Baun told me that the existing paging service companies would be interested in leasing my licenses from me because the FCC would issue only one (1) paging license per city to a company or individual. According to Mr. Baun, NET had many satisfied customers, some of whom wanted to invest in more licenses than NET could provide.

4. According to Mr. Baun, my decision concerning whether or not to invest in the paging licenses through NET was urgent because the FCC could auction off the licenses at any time. He told me any auction price would be much higher than the price for which NET was offering to obtain the licenses for me.

Mr. Baun said that he would send me written materials about NET and the investment. Attachment A to this declaration consists of true and correct photocopies of the written materials I received from NET. Any and all handwritten notes in Attachment A are my personal handwritten notes I made after receiving the materials from NET.

5. After looking over the materials sent to me and speaking with Mr. Baun, I decided sometime in or about May 1995 to invest in the two recommended Miami area licenses. However, I told Mr. Baun that I could not afford the total cost for the investment at the time and he told me that if I sent him a check for \$1,000.00, he could hold the licenses for me until I sent him the outstanding balance. On or around May 9, 1995, I sent NET a personal check in the amount of \$1,000.00. A few days after I sent NET my check, I received a letter from NET stating that NET received my payment of \$1,000.00. The letter also stated that NET would be able to file my FCC paging license applications once NET received my outstanding balance of \$10,878.00. Attachment B to this declaration is a true and correct photocopy of the letter I received from NET.

6. Around the time that I sent NET the check for \$1,000.00, Mr. Baun explained bank wire instructions to me over the telephone so that I could wire NET my outstanding amount for the license directly from my bank to NET's bank, Chemical Bank in New York City. In order to obtain my outstanding balance of \$10,878.00, I tapped lines of credit available on my credit cards and had those funds transferred to my personal checking account. I then wired \$10,878.00 from my checking account on to NET's bank account. Attachment C to this declaration is a true and correct photocopy of my bank wire transfer form. A couple of days after I wired \$10,878.00 to NET, I received a letter from NET stating that NET had received my payment and was able to file my applications with the FCC for my licenses. Attachment D to this declaration is a true and correct photocopy of the letter I received from NET. Any and all handwritten notes on Attachment D are my personal notes I made after I received the letter. I received my two (2) Miami area licenses from the FCC in or about early September 1995. Attachment E to this declaration consists of true and correct photocopies of my licenses.

7. Several days after I wired my payment to NET, Mr. Baun called me and recommended that I invest \$10,000.00 in a

paging license in Tampa, Florida. Mr. Baun said that if I acquired the Tampa license, I could link the Tampa license with my two Miami licenses and increase their overall marketability. I agreed to invest in the Tampa license and sent Mr. Baun another personal check for \$1,000.00 as a deposit. Shortly after I sent NET my check, I received a letter from NET stating that NET had received my payment and would file for my Tampa license once I send the remaining amount of \$9,000.00 to NET. Attachment F to this declaration is a true and correct photocopy of the letter that I received from NET. Any and all notes on Attachment F are my personal handwritten notes that I made after receiving the letter from NET. I could not raise the remaining amount necessary for NET to prepare and file my license application, so Mr. Baun subsequently returned my check to me.

8. In or around September 1995, I tried to contact Mr. Baun about leasing my Miami area licenses but I could not reach him. At this time a man who identified himself as John Spencer left several messages on my telephone answering machine over a period of several days and asked me to return his calls at a toll-free telephone number, 800-823-1113. About a week after I received his messages, I called the telephone number. Mr.

Spencer told me he was an employee of NET, that Mr. Baun was unavailable and he could answer any questions I had about my investment with NET. Mr. Spencer also told me he was Mr. Baun's supervisor.

9. During my conversations with Mr. Spencer in or around late-September 1995, he recommended that I invest in a paging license in Tampa, Florida for \$5,939.00. Mr. Spencer told me that if I had three (3) paging licenses in Florida, I could expect to lease my licenses to established paging companies such as Motorola and AT&T. I told him that I could not afford the license at the time and Mr. Spencer referred me to another employee of NET, a man who identified himself as Roger Ford. Mr. Ford spoke with a British accent. Mr. Ford told me that if I invested in the Tampa license, I could expect to sell it for about \$38,000.00. Based on Mr. Ford's profit projections on the Tampa license, I decided sometime in or about October 1995 to invest and I told Mr. Ford that I would send a down payment of \$1,500.00 for the license. Mr. Ford told me to send my payment via money order rather than via personal check.

Attachment G to this declaration is a true and correct photocopy

of the receipt for the money order I sent to NET. In or about early December 1995 I sent NET an additional money order, in the amount of \$2,439.00, for my Tampa license application. Attachment H to this declaration is a true and correct photocopy of the receipt of the money order I sent to NET. Several days later, I sent to NET via Federal Express a personal check in the amount of \$2,000.00 to complete payment for my Tampa paging license application. As instructed by Mr. Spencer, I sent all payments for my Tampa license application to NET's office at One World Trade Center, Suite 7967, New York, New York. I received a telephone call from a Federal Express representative the day after I sent my final payment for my Tampa license application. The Federal Express representative told me that no entity by the name of NET was present at that address. The Federal Express package was returned to me.

8. I then called the Personal Communications Industry Association ("PCIA") to see if NET had filed a paging license application with the FCC for my Tampa license. The PCIA representative said that there was no Tampa license applied for under my name. As of this date, I have not received a paging license for the Tampa area.



9. As of this date, I have not received any offers to lease or to purchase either of my two (2) Miami area licenses.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January \_\_\_\_\_, 1996

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Declaration of [REDACTED]

I, [REDACTED], pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. My name is [REDACTED]. I currently reside at [REDACTED]  
[REDACTED] I am a U.S. citizen, 61 years old and I am retired.
2. I have personal knowledge about the facts set forth below.
3. In or around early June 1995 I received a call from Kelly Kingsley, a salesperson whom I had dealt with on previous occasions. Kelly told me about investing in paging licenses and mentioned On Line Communications, Inc. ("On Line") as a company that could file a license application for me.
4. I received written material from On Line shortly after speaking with Kelly. Attached as Exhibit 1 are true and correct copies of the written material. I also received a written agreement from On Line. Attached as Exhibit 2 is a true and correct copy of the agreement I received.
5. Kelly mentioned that there was profit potential in investing in paging licenses because once I acquired a license it would be bought or leased from buyers at a cost above my investment. I was told that I should expect to make a profit and there was a chance that my investment could be doubled. It was my

understanding that large paging companies could not purchase numerous licenses from the Federal Communications Commission ("FCC") but instead would have to buy or lease some of the licenses they need from individual owners like myself. Kelly told me that On Line would not do the marketing of my lease to potential buyers because On Line was primarily an engineering company. Similarly, they would not use the licenses to build a paging system, rather, Kelly said, On Line would handle the application and filing obligations necessary for a license from the FCC. Upon receipt of my license I was told that I may receive telephone calls from buyers and those wishing to lease my license but if I did not receive such calls, I could sign up with a company that would market the license for me. Kelly did mention before my investment that there was an eight month build out requirement in which I needed to build out my license or risk losing it. I was led to believe by Kelly that I would get some offers to buy my license during this time period. I was not told the difference between a shared license and an exclusive license.


6. I subsequently invested \$5,990 for a license in the Orlando, Florida area. Attached as Exhibit 3 is a true and correct copy of the license I received in September 1995.

7. After I invested, Kelly mentioned that one of her clients

received \$50,000 after selling their license, with 9% going to the marketing agent.

I hereby certify under penalty of perjury that the foregoing is true and correct.

Dated: \_\_\_\_\_

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DECLARATION OF [REDACTED]

I [REDACTED], pursuant to 28 U.S.C. § 1746, hereby  
declare as follows:

1. My name is [REDACTED]. I am a U.S. citizen. I  
am a [REDACTED] the [REDACTED] [REDACTED] 1988

[REDACTED] My business address [REDACTED]  
[REDACTED]

2. I have personal knowledge about the facts set forth  
below.

3. In or around late-June 1995, I received a telephone call  
from a woman who identified herself as Kelly Kingsley. She said  
that she was calling on behalf of On Line Communications. I had  
dealt with Ms. Kingsley before when she was working for other  
businesses, including United International Securities.

4. Ms. Kingsley attempted to interest me in acquiring  
paging licenses. She said that the Federal Communications  
Commission ("FCC") had opened up more frequencies for use by  
paging companies. According to Ms. Kingsley, the rights to  
acquire these frequencies are made available to individuals or  
small businesses. On Line Communications, Ms. Kingsley said, was  
in business to help investors fill out the paperwork needed to  
acquire a license that was marketable and quite valuable.

5. After I spoke to Ms. Kingsley, I received various pieces  
of literature from On Line Communications. Attached as Exhibit 1  
are true and correct copies of this literature. After I received  
the literature I spoke to Ms. Kingsley again. She told me that

1 the FCC was granting licenses on a first come-first serve basis,  
2 and that licenses were still available for certain cities but not  
3 for others. Later, she sent me a fax that she told me listed  
4 various cities for which I could still obtain licenses if I sent  
5 in my application right away. Attached as Exhibit 2 is a true  
6 and correct copy of the fax, dated July 3, 1995, exactly as I  
7 received it from On Line. Ms. Kingsley clearly led me to believe  
8 that more and more cities on the list are rapidly being closed  
9 out -- I believe she said that they were going "like hot cakes."  
10 Indeed, the fax already lists a number of cities that are crossed  
11 out (e.g., Los Angeles, Detroit, San Diego, and Seattle), which I  
12 understood to mean that I would no longer be able to acquire a  
13 paging license for those cities.

14 6. I was told by Ms. Kingsley that if I applied for a  
15 license in a city that was closed out immediately before I  
16 applied, I would be able to get me money back if I chose to do  
17 so.

18 7. As reflected in the document attached as Exhibit 2, On  
19 Line was offering its services for anywhere from \$5,990 to  
20 \$12,990, depending on the population of the city where the  
21 license would be located. Ms. Kingsley marketed acquiring paging  
22 licenses through On Line as an excellent investment. According  
23 to Ms. Kingsley, large companies needed various licenses but  
24 could not get them directly from the FCC. She led me to believe  
25 that the FCC was not making any of these licenses available to  
26 those companies, due to its concern that they not monopolize the  
27 industry. As a result of the FCC restrictions, Ms. Kingsley  
28 explained, the market value of the licenses were much more than

1 what an investor like me would be paying to obtain them. She  
2 said that major telecommunications companies have been paying  
3 \$50,000 to \$100,000 to acquire licenses comparable to those On  
4 Line is now offering (line, licenses for the largest population  
5 centers). She recommended that I acquire licenses for the  
6 largest cities, as these were the ones where the value would  
7 increase the fastest.

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9 8. I do not recall Ms. Kingsley discussing the risk that I  
10 might lose money if I invested with On Line. She definitely  
11 implied that I was very likely to make significant profits on the  
12 deal.

13 9. I do not recall discussing with Ms. Kingsley the  
14 possibility that any license I might obtain through On Line would  
15 ever expire. I also do not recall focusing my thoughts on that  
16 subject.

17 10. To the best of my recollection, we did not talk about  
18 the need for me to pay any additional capital after I acquired my  
19 license. It was my understanding from speaking to Ms. Kingsley  
20 that I would not have to build any facility with my license, but  
21 would rather be able to sell it to a major company who would  
22 build out the facility. Moreover, I understood Ms. Kingsley to  
23 be suggesting that I could simply sit back and expect to receive  
24 offers to acquire my license from paging companies.

25 11. On Line never informed me about the basis for the fees  
26 that it would be charging me. I did, however, understand from  
27 speaking to Ms. Kingsley that no lay person could fill out the  
28 technical information required by the FCC before a license could

1 be granted, and that is why I would be paying On Line its \$5,990-  
2 \$12,990 fee.

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4 12. I do not recall speaking to Ms. Kingsley about whether  
5 licenses acquired through On Line would technically be considered  
6 "exclusive" or "shared." Indeed, I am not sure that these terms  
7 came up in our discussions. I did, however, assume from the  
8 discussions that if I acquired such a license, I would be the  
9 exclusive license holder for a particular geographic area.

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11 I hereby certify under penalty of perjury that the foregoing  
12 is true and correct.

13 Dated: Oct. 20, 1995 



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DECLARATION OF [REDACTED]

I [REDACTED] pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. My name is [REDACTED]. I am a U.S. citizen. [REDACTED]  
[REDACTED]  
[REDACTED] WA 98112.

2. I have personal knowledge about the facts set forth below.

3. During early-August 1995 (and possibly late-July as well), I spoke on different occasions to representatives from a telemarketing company named On Line Communications ("On Line"). I spoke to two salespeople at On Line -- Maurice Kennedy and Michael Maloney. By far the majority of my conversations were with Mr. Kennedy. In late-July I received written materials from On Line. Attached as Exhibit 1 is a true and correct copy of the information sent to me.

4. Mr. Kennedy attempted to interest me in investing in a paging license through On Line. I understood that the license would involve the 929 MHz radio frequency. He said that On Line would help me acquire and prepare the documents necessary to obtain a paging license from the FCC. According to Mr. Kennedy, some type of engineering study was required in the application, and On Line's fee would cover the preparation of the appropriate engineering information. He also said that On Line's fee would cover assisting me in marketing the license once I received it.